IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 620-262
C# M#

DAVIS POYNTER et al.

TC/A.U.

Serial No. 10/626,832

Examiner:

Filed: July 25, 2003

Date: July 8, 2004

Title: VIRAL MARKER



Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.**

Fees are attached as calculated below:

Total effective claims after amendment **0** minus highest number previously paid for **20** (at least 20) = 0 x $ 18.00	$	0.00
Independent claims after amendment **0** minus highest number previously paid for **3** (at least 3) = 0 x $ 86.00	$	0.00
If proper multiple dependent claims now added for first time, add $290.00 (ignore improper)	$	0.00
Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) ($110.00/1 month; $420.00/2 months; $950.00/3 months)	$	0.00
Terminal disclaimer enclosed, add $ 110.00	$	0.00
☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) ($770.00) ☐ Please enter the previously unentered , filed ☐ Submission attached	$	0.00
Subtotal	$	**0.00**
If "small entity," then enter half (1/2) of subtotal and subtract ☐ Applicant claims "small entity" status. ☐ Statement filed herewith	-$	0.00
Rule 56 Information Disclosure Statement Filing Fee ($180.00)	$	0.00
Assignment Recording Fee ($40.00)	$	0.00
Other:		**0.00**
TOTAL FEE ENCLOSED	$	**0.00**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.
By Atty: Mary J. Wilson, Reg. No. 32,955

Signature: Mary J. Wilson

OIPE
JUL 0 8 2004
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

DAVIS POYNTER et al.

Serial No. 10/626,832

Filed: July 25, 2003

For: VIRAL MARKER

Confirmation No. 9237

Atty. Ref.: 620-262

Group:

Examiner:

* * * * * * * * * * * *

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 8, 2004

Sir:

INFORMATION DISCLOSURE STATEMENT

☒ 1. **PTO-1449 Pursuant to 37 CFR 1.97(b)**
[within 3 months of filing or prior to 1st Office Action on the merits]
N/C

☐ 2.(a) **Statement Pursuant to 37 CFR 1.97(c)**
[before Final Office Action or Allowance (requires Rule 97(e) Statement or Rule 17(p) fee)]
N/C

☐ 2.(b) **Fee Payment Pursuant to 37 CFR 1.97(c)**
[before Final Office Action or Allowance (requires Rule 97(e) Statement or Rule 17(p) fee)]
$180.00

☐ 3. **Pursuant to 37 CFR 1.97(d)**
[after Final Office Action or Allowance (requires Rule 97(e) Statement and Rule 17(p) fee), but before final fee payment]
$180.00

The following are submitted in the above-identified application in compliance with 37 C.F.R. §§ 1.97 and 1.98:

☒ 4. A list of documents on Form PTO-1449 together with copies of each identified document and a translation or a concise explanation of each non-English language document (such as a Search Report) is enclosed herewith.

This paper is submitted in accordance with:

☒ 5. 37 CFR 1.97(b): [within 3 months of filing or prior to 1st Office Action]

☐ 6. 37 CFR 1.97(c): [before Final Office Action or Allowance, whichever is earlier]; and

☐ a) The required Statement made in item 8 below; **or**

☐ b) The $180.00 fee specified in 37 CFR §1.17(p) for submission of this Information Disclosure Statement is authorized in item 9 below.

☐ 7. 37 CFR §1.97(d): [after Final Office Action or Allowance (requires Rule 97(e) Statement and Rule 17(p) fee), but before final fee payment]; and

☐ a) The fee ($180.00) required by 37 CFR §1.17(p) is submitted herewith; and

☐ b) The required Statement is stated in item 8 below.

☐ 8. Statement under 37 CFR 1.97(e)

☐ a) The undersigned attorney of record hereby certifies under 37 C.F.R. §1.97(e) that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement (each item contained in this IDS was the first citation of that item by a foreign patent office in a counterpart foreign application which occurred no more than three months prior to the filing of this IDS); or

☐ b) No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement, after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

☒ 9. Please charge all deficiency fees associated with the submission of this Information Disclosure Statement and any other fees applicable to this application to Deposit Account No. 14-1140. An original and one (1) copy of this document are enclosed.

Respectfully submitted,
NIXON & VANDERHYE P.C.

By: Mary J. Wilson
Mary J. Wilson
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Sheet 1 of 1

Atty. Docket No.	Serial No.
620-262	10/626,832

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Applicant	
DAVIS POYNTER et al.	
Filing Date	TC/A.U.
July 25, 2003	

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U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS

		DOCUMENT	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES	TRANSLATION NO
		WO 98/26049	6/1998	WIPO				
		WO 02/09750	2/2002	WIPO				

OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)

		Telford et al, "The DNA sequence of equine herpesvirus-4", Journal of General Virology 79:1197-1203 (1998)
		van Maanen, "Equine herpesvirus 1 and 4 infections: an update", The Veterinary Quarterly 24(2):58-78 (2002)
		Telford et al, "The DNA sequence of equine herpesvirus-1", Virology 189(1):304-316 (1992)
		Kirisawa et al, "Comparison of the Genomes of Attenuated Equine Herpesvirus-1 Strains with Their Parent Virulent Srain", Virology 200(2):651-660 (1994)
		Pelosi et al, "A Herpes Simplex Virus DNA Polymerase Mutation That Specifically Attenuates Neurovirulence in Mice", Virology 252(2):364-372 (1998)
		Smith et al, "Virulence of the V592 Isolate of Equid Herpesvirus-1 in Ponies", J. Comp. Path. 122(4):288-297 (2000)
		Huang et al, "Polymorphism of open reading frame 71 of equine herpesvirus-4 (EHV-4) and EHV-1", Journal of General Virology 83(3):525-531 (2002)

*Examiner		Date Considered	

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.